1638 Ber Seg.

Application Number 09/529,239 TRANSMITTAL October 27, 2000 Filing Date **FORM** Doutriaux First Named Inventor 1638 (to be used for all correspondence after initial filing) Group Art Unit D. Kruse **Examiner Name** A33153PCTUSA;072667.0128 Attorney Docket Number Total Number of Pages in This Submission **ENCLOSURES** (check all that apply) After Allowance Communication Assignment Papers Fee Transmittal Form (for an Application) to Group Appeal Communication to Board Fee Attached Drawing(s) of Appeals and Interferences Licensing-related Papers Appeal Communication to Group Amendment / Reply (Appeal Notice, Brisf, Reply Brief) Petition After Final Proprietary Information Petition to Convert to a Affidavits/declaration(s) **Provisional Application** Status Letter Power of Attorney, Revocation Change of Correspondence Address Other Enclosure(s) (please Extension of Time Request identify below): Terminal Disclaimer **Express Abandonment Request** Request for Refund Information Disclosure Statement CD, Number of CD(s) Certified Copy of Priority Document(s) Remarks Response to Missing Parts/ RESPONSE TO NOTICE TO COMPLY AND SUBMISSION OF Incomplete Application SUBSTITUTE SEQUENCE LISTING Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT BakerBotts LLP Firm 30 Rockefeller Plaza Individual name New York! NY 10112 Att Name: Rochelle K. Seide, Ph.D. Signature PTO Reg: 32,300 Date August 10, 2001 CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: August 10, 2001

August 10, 2001

Date

Rochelle K. Seide, Ph.D

Typed or printed name

Signature

NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☑ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 🖂 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

Applicant Must Provide:

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

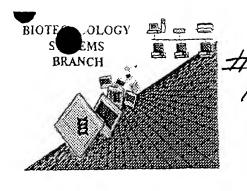
Patentin Software Program Support

Technical Assistance......703-287-0200

To Purchase Patentin Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

RAW SEQUENCE LISTING ERROR REPORT



The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/529, 239

JUL 0 5 2001

Source:

1638

TECH CENTER 1600/2900

Date Processed by STIC:

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS. PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,

2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216. PATENTIN 2.1 e-mail help: patin21help@uspto.gov or phone 703-306-4119 (R. Wax) PATENTIN 3.0 e-mail help: patin3help@uspto.gov or phone 703-306-4119 (R. Wax)

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 3.0 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW:

Checker Version 3.0

The Checker Version 3.0 application is a state-of the-art Windows based software program employing a logical and intuitive user-interface to check whether a sequence listing is in compliance with format and content rules. Checker Version 3.0 works for sequence listings generated for the original version of 37 CFR §§1.821 - 1.825 effective October 1, 1990 (old rules) and the revised version (new rules) effective July 1, 1998 as well as World Intellectual Property Organization (WIPO) Standard ST.25.

Checker Version 3.0 replaces the previous DOS-based version of Checker, and is Y2Kcompliant. Checker allows public users to check sequence listings in Computer Readable form (CRF) before submitting them to the United States Patent and Trademark Office (USPTO). Use of Checker prior to filing the sequence listing is expected to result in fewer errored sequence listings, thus saving time and money.

Checker Version 3.0 can be down loaded from the USPTO website at the following address: http://www.uspto.gov/web/offices/pac/checker



JUL 0 5 2001

TECH CENTER 1600/2900

1638

RAW SEQUENCE LISTING

PATENT APPLICATION: US/09/529,239

DATE: 06/12/2001 TIME: 13:19:50

Input Set : A:\09529239SeqList.txt
Output Set: N:\CRF3\06122001\1529239.raw

Does Not Comply
Corrected Diskette Needed

See PP. 1, 2,5

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3 Betzner, Andreas
4 Freyssinet, Georges
5 Perez, Pascal
7 <120> TITLE OF INVENTION: METHOD FOR OBTAINING PLANT VARIETIES
10 <130> FILE REFERENCE: A33153-PCT-USA 072667.0128
12 <140> CURRENT APPLICATION NUMBER: US 09/529,239

C--> 13 <141> CURRENT FILING DATE: 2000-01-27
15 <150> PRIOR APPLICATION NUMBER: PCT/EP98/06977
16 <151> PRIOR FILING DATE: 1998-10-09
18 <160> NUMBER OF SEQ ID NOS: 98
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ERRORED SEQUENCES

| RED | SEQUENCES | | | | | | 1.00 |
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| 932 | <210> SEQ | ID NO: 26 | /· | Jumber | 01, 709 | De near | |
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| 942 | tttaatgtga | aggaagggga | tgctaaaggc | gacgcttctg | tacgttttgc | tgtttcgaaa | 180 |
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| | | | | gatggcgatg | | | 540 |
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| | | | | acggcggtac | | | 1440 |
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DATE: 06/12/2001

TIME: 13:19:50

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     968 acgatggtaa atcttgagat atttaacaat agctgtgatg gtggtccttc agggaccttg
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     973 cttctgggga aaaaagtgct gaaacaacga gttaaagcat ttgggcaaat tgtgaaaggg
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     974 ttcaqaagtg gaattgatct gttgttggct ctacagaagg aatcaaatat gatgagtttg
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    1355 Gly Ser Gly Gly Pro Arg Phe Asn Val Arg Glu Gly Asp Ala Lys Gly
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                                      40
    1356
    1358 Asp Ala Ser Val Arg Phe Ala Val Ser Lys Ser Val Asp Glu Val Arg
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    1362 65
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    1367 Asn Ile Met His Lys Phe Val Lys Val Asp Asp Asp Cys Ser Gly
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    1371
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    1373 Met Lys Ala Asn Asp Val Ile Pro Gln Phe Arg Ser Asn Asn Gly Lys
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    1374
    1376 Thr Gln Glu Arg Asn His Ala Phe Ser Phe Ser Gly Arg Ala Glu Leu
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                                                155
    1377 145
    1379 Arg Ser Val Glu Asp Ile Gly Val Asp Gly Asp Val Pro Gly Pro Glu
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                                            170
    1382 Thr Pro Gly Met Arg Pro Arg Ala Ser Arg Leu Lys Arg Val Leu Glu
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RAW SEQUENCE LISTING

PATENT APPLICATION: US/09/529,239

RAW SEQUENCE LISTING DATE: 06/12/2001 PATENT APPLICATION: US/09/529,239 TIME: 13:19:50

Input Set : A:\09529239SeqList.txt
Output Set: N:\CRF3\06122001\I529239.raw

| 1.383 | } | | | 18 | 0 | | | | 185 | 5 | | | | 190 | | |
|-------|---------|--------|---------|-------|------------|-------|-------|-------|-------------|-----|-------|-----|-----|------|-----|-----|
| | | Gli | л ме | | | e Ly | s Gl | ı Asp | Lys | va: | l Pro | Val | Leu | Asp | Ser | Asn |
| 1386 | _ | | 19 | | | _ | | 200 | | | | | 205 | | | |
| | | arc | | | s Met | t Lei | u Gli | Asp | Pro | Va: | l Cys | Gly | Glu | Lys | Lys | Glu |
| 1389 | - | 210 | - | • | | | 215 | | | | _ | 220 | | _ | _ | |
| | | | | u Gl | y Thi | c Lv: | | | Trp | Lei | ı Glu | Ser | Ser | Arg | Ile | Arg |
| 1392 | | | | • | 4 | 230 | | | • | | 235 | | | • | | 240 |
| | | | a Asi | n Arc | ı Arc | | |) Asp | Asr | Pro | Leu | Tyr | qaA | Arg | Lys | Thr |
| 1395 | _ | | | | 245 | | , | | • | 250 | | -4 | • | , | 255 | |
| | | His | : T16 | e Pro | | | val | Phe | Lvs | | | Ser | Ala | Ser | | Lys |
| 1398 | | | | 260 | | | | | 265 | | | | | 270 | | - |
| | | ጥህ፣ | ጥ ተ | | | Lvs | Ser | Glu | | | Asp | Ile | Val | Leu | Phe | Phe |
| 1401 | | -1- | 275 | | | 2 - | | 280 | | | 1 | | 285 | | | |
| | | Val | | | : Phe | י יי | - Glu | | | Glu | Leu | Asp | | | Leu | Gly |
| 1404 | _ | 290 | | | | 1 - | 295 | | -1- | | | 300 | | | | 1 |
| | | | | Len | Asp | Tro | | | Thr | Met | . Ser | | Val | Glv | Lvs | Cys |
| 1407 | | _ | 0.20 | | · ··· | 310 | | | | | 315 | 1 | , | 1 | -1- | 320 |
| | | | ٧al | Glv | T1e | | | | | | Asp | Glu | Ala | Va 1 | Gln | |
| 1410 | - | 0 1 11 | , ,,,,, | | 325 | | 0,10 | 001 | 0 22 | 330 | | | • | | 335 | -,2 |
| 1412 | | Τ.Δ.11 | Δla | Aro | | | 1.vs | Val | G1v | | | Glu | Gln | Len | | Thr |
| 1413 | | Deu | 11,14 | 340 | | -1- | -10 | , 44 | 345 | | | | 0.2 | 350 | 024 | |
| 1415 | | λen | Gin | | | Ala | Ara | Glv | | | ሞh r | Tle | Tle | | Ara | LVS |
| 1416 | | тор | 355 | | ~1~ | | 9 | 360 | | | | | 365 | 0 | 9 | 272 |
| 1418 | | ٧al | | | î.eu | Thr | Pro | | ጥክ r | Ala | Ser | Glu | | Asn | Tle | Glv |
| 1419 | neu | 370 | 0111 | , , | 204 | | 375 | 201 | ~ | | 201 | 380 | 027 | | | 2 |
| 1421 | Pro | | Δla | Val | His | Len | | Ala | He | Lvs | Glu | | Lvs | Met | Glu | Leu |
| 1422 | | 6 | | | | 390 | | | | -1- | 395 | | -2- | | | 400 |
| 1424 | | LVS | Cvs | Ser | Thr | | | G1v | Phe | Ala | | Val | Asp | Cvs | Ala | |
| 1425 | · · · · | -,0 | -1- | | 405 | | | | - | 410 | | | | • | 415 | |
| 1427 | Leu | Ara | Phe | Tro | Val | Glv | Ser | Ile | Ser | Asp | Asp | Ala | Ser | Cys | Ala | Ala |
| 1428 | | > | | 420 | | - 4 | | | 425 | - | . • | | | 430 | | |
| 1430 | Len | Glv | Ala | | Leu | Met | Gln | Val | | Pro | Lvs | G1u | Val | Leu | Tyr | Asp |
| 1431 | | 0-1 | 435 | | | | | 440 | | | -2 | | 445 | | _ | |
| 1433 | Ser | LVS | Glv | Leu | Ser | Arq | Glu | Ala | Gln | Lys | Ala | Leu | Arq | Lys | Tyr | Thr |
| 1434 | | 450 | 2 | | | . , | 455 | | | - | | 460 | _ | - | • | |
| 1436 | Leu | | Glv | ser | Thr | Ala | | Gln | Leu | Ala | Pro | Val | Pro | Gln | Val | Met |
| 1437 | | | _ | | | | | | | | 475 | | | | | 480 |
| 1439 | | Asp | Thr | Asp | Ala | Ala | Gly | Val | Arg | Asn | Ile | Ile | Glu | ser | Asn | Gly |
| 1440 | 1 | | | • | 485 | | • | | | 490 | | | | | 495 | - |
| 1442 | Tvr | Phe | Lvs | Gly | Ser | Ser | Glu | Ser | Trp | Asn | Cys | Ala | Val | Asp | Gly | Leu |
| 1443 | - 1 - | | - 4 - | 500 | | | | | 505 | | • | | | 510 | • | |
| 1445 | Asn | Glu | Cvs | | Val | Ala | Leu | ser | Ala | Leu | Gly | Glu | Leu | Ile | Asn | His |
| 1446 | | | 515 | • | | | | 520 | | | • | | 525 | | | |
| 1448 | Leu | Ser | | Leu | Lys | Leu | Glu | | Val | Leu | Lys | His | Gly | Asp | Ile | Phe |
| 1449 | | 530 | ر د . | • | 4 - | | 535 | - | | | • | 540 | • | • | | - |
| 1451 | Pro | | Gln | Val | Tyr | Ara | | Cys | Leu | Ara | Ile | - | Glv | Gln | Thr | Met |
| 1452 | | - 1 - | | | | 550 | | • | - | ~ | 555 | | * | - | • | 560 |
| 1454 | | Asn | Leu | Glu | | | Asn | Asn | Ser | Cys | | Glv | Glv | Pro | Ser | |
| 1455 | | | | | 565 | - | | - | | 570 | • | 4 | | | 575 | 4 |
| | | | | | | | | | | - | | | | | - | |

RAW SEQUENCE LISTING DATE: 06/12/2001 PATENT APPLICATION: US/09/529,239 TIME: 13:19:50

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Output Set: N:\CRF3\06122001\I529239.raw

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| | Le | u Lei | u Ar 59 | | n Tr | p Ile | e Cy | s Hi 60 | | o Le | u Lys | s Asp | Val 605 | | Ser | Ile |
| | 3 Ası | n Ly: | s Ar | | u As | p Vai | l Va. 61 | 1 G1 | | u Ph | e Thi | n Ala 620 | Asn | | Glu | Ser |
| | | | | e Th | r Gly | y Gli | | | u Hi | s Ly | s Lei | | | Leu | Glu | Arg |
| | 62 | | | | | 630 | | | | | 635 | | | | | 640 |
| 1469 |) Le | ı Lei | ı Gl | y Ar | | _ | s Se | r Se | r Val | | _ | Ser | Ala | Ser | | Leu |
| 1470 | | | | | 645 | | | _ | _ | 65 | | | _ | | 655 | |
| 1472 1473 | |) Ala | a Lei | 1 Lei 660 | _ | / Lys | Lys | s Val | L Lei 166 | | s Glr | Arg | Val | Lys 670 | | Phe |
| | | , Clr | . 714 | | | e Gla | , Dhe | Σ Δ τ α | | | , Tie | Agr | . f.e. | | | Ala |
| 1475 | _ | , 911 | 675 | | Luye | , 017 | 1110 | 680 | | · OI. | , | , nop | 685 | | мси | niu |
| 1478 | Leu | Glr | Lys | s Glu | Ser | Asn | Met | Met | : Se | r Lei | ı Leu | Tyr | Lys | Leu | Cys | Lys |
| 1479 |) | 690 |) | | | | 695 | 5 | | | | 700 | | | | |
| 1481 | Leu | Pro | 116 | e Lei | ı Val | . Gly | Lys | s Ser | : Gly | Let | ı Glu | Leu | Phe | Leu | Ser | Gln |
| 1482 | | | | | | 710 | | | | | 715 | | | | | 720 |
| 1484 | Phe | Glu | Ala | Ala | Ile | Asp | Ser | Asp | Phe | Pro |) Asn | Tyr | Gln | Asn | Gln | Asp |
| 1485 | | | | | 725 | | | | | 730 | | | | | 735 | |
| | | Thr | Asp | | | Ala | Glu | Thr | | | Ile | Leu | Ile | | Leu | Phe |
| 1488 | | _ | | 740 | | | _ | _ | 745 | | | | _, | 750 | | _ |
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| | | Asn | | | Ara | Ser | Phe | | | Ala | Ala | Ser | | Ser | Ala | Glv |
| 1494 | | 770 | | 2300 | **** 9 | 001 | 775 | | 4.0 | | 11.2.0 | 780 | 204 | 001 | **** | O I J |
| 1496 | | | | Arq | Pro | Val | | | Pro | Glu | Ser | | Ala | Thr | Asp | Gln |
| 1497 | | | | J | | 790 | | | | | 795 | | | | • | 800 |
| 1499 | Asn | Gln | Lys | Thr | Lys | Gly | Pro | Ile | Leu | Lys | Ile | Gln | Gly | Leu | Trp | His |
| 1500 | | | | | 805 | | | | | 810 | | | | | 815 | |
| 1502 | Pro | Phe | Ala | | Ala | Ala | Asp | Gly | | | Pro | Val | Pro | | Asp | Ile |
| 1503 | | | | 820 | | | | | 825 | | | | | 830 | | |
| 1505 | Leu | Leu | - | Glu | Ala | Arg | Arg | | Ser | Gly | Ser | Ile | | Pro | Arg | Ser |
| 1506 | | | 835 | | | _ | _ | 840 | | _ _ | | _ | 845 | _ | _ | _ |
| 1508 | Leu | | Leu | Thr | GTÀ | Pro | | Met | GTÀ | GTÀ | rys | | Thr | Leu | Leu | Arg |
| 1509 1511 | 37. | 850 | 0 | T ON | * 3 - | ז ה ז | 855 | nho | 7 T m | C15 | T ou | 860 | Caro | Maran | 17~ T | Dwo |
| | | TAT | Cys | ьeu | WIG | 870 | TTE | PHE | нта | 6111 | 875 | GIY | Cys | тут | A CT T | 880 |
| 1512 1514 | | Clu | Cor | Cve | Glu | | Sar | Len | Va 1 |) en | - | Tla | Dhe | ጥኮተ | y ra | |
| 1514 | Cys | GIU | SEL | Cys | 885 | 116 | DEI | пец | Val | 890 | 1 111 | 116 | rne | 1111 | 895 | пец |
| 1517 | Glv | Δla | Ser | Asp | | TIA | Met | ጥኩ፦ | Glv | | Ser | Thr | Phe | T.eu | | Glu |
| 1518 | CLY | ALU | JCI | 900 | *** 9 | 110 | 1100 | 1111 | 905 | 444 | UCI | | | 910 | | 010 |
| 1520 | Cvs | Thr | Głu | - | Ala | Ser | Val | Leu | | Asn | Ala | Thr | Gln | | Ser | Leu |
| 1521 | ٠,٠ | | 915 | | | | | 920 | | | | | 925 | ~ L | | - |
| 1523 | Val | Ile | Leu | Asp | Glu | Leu | Gly | | Gly | Thr | Ser | Thr | Phe | Asp | Gly | Tyr |
| 1524 | = | 930 | | - | | | 935 | _ | - | | | 940 | | • | - | - |
| 1526 | Ala | | Ala | Tyr | Ser | Val | Phe | Arg | His | Leu | Val | Glu | Lys | Val | Gln | Cys |
| 1527 | | | | - | | 950 | | - | | | 955 | | | | | 960 |
| 1529 | | Met | Leu | Phe | Ala | Thr | His | Tyr | His | Pro | Leu | Thr | Lys | Glu | Phe | Ala |
| | | | | | | | | | | | | | | | | |

RAW SEQUENCE LISTING PATENT APPLICATION: US/09/529,239 DATE: 06/12/2001 TIME: 13:19:50

^ ~p- -

Input Set : A:\09529239SeqList.txt Output Set: N:\CRF3\06122001\1529239.raw

1530 1532 Ser His Pro Arg Val Thr Ser Lys His Met Ala Cys Ala Phe Lys Ser 980 985 1535 Arg Ser Asp Tyr Gln Pro Arg Gly Cys Asp Gln Asp Leu Val Phe Leu 1000 995 1538 Tyr Arg Leu Thr Glu Gly Ala Cys Pro Glu Ser Tyr Gly Leu Gln Val 1015 1020 1539 1541 Ala Leu Met Ala Gly Ile Pro Asn Gln Val Val Glu Thr Ala Ser Gly 1040 1030 1035 E--> 1542 1025 1544 Ala Ala Gln Ala Met Lys Arg Ser Ile Gly Glu Asn Phe Lys Ser Ser number canno 1050 1045 1547 Glu Leu Arg Ser Glu Phe Ser Ser Leu His Glu Asp Trp Leu Lys Ser 1548 1060 1065 1070 1550 Leu Val Gly Ile Ser Arg Val Ala His Asn Asn Ala Pro Ile Gly Glu 1080 1085 E/> £> 1551 1075 1553 Asp Asp Tyr Asp Thr Leu Phe Cys Leu Trp His Glu Ile Lys Ser Ser 1554 1090 1095 1100 Move one sp 1556 Tyr Cys Val Pro Lys 1557 1105 to the right I Remaining lines are shown as at amino 1040.

Use of n and/or Xaa have been detected in the Sequence Listing. Please review the Sequence Listing to ensure that a corresponding explanation is presented in the <220> to <223> fields of each sequence which presents at least one n or Xaa.

VERIFICATION SUMMARY

PATENT APPLICATION: US/09/529,239

DATE: 06/12/2001 TIME: 13:19:51

Input Set : A:\09529239SeqList.txt

Output Set: N:\CRF3\06122001\1529239.raw

L:13 M:271 C: Current Filing Date differs, Replaced Current Filing Date

L:52 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:1 L:82 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:2

L:976 M:252 E: No. of Seq. differs, <211>LENGTH:Input:1385 Found:2188 SEQ:26

L:1022 M:212 E: (34) Invalid or duplicate Sequence ID Number, SEQUENCE ID NOS:28 differs:

L:1542 M:332 E: (32) Invalid/Missing Amino Acid Numbering, SEQ ID:31

M:332 Repeated in SeqNo=31